IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1946.

W. H. TOMPKINS COMPANY, Now TOMPKINS MOTOR LINE, INC., Plaintiff-Appellant, vs. UNITED STATES OF AMERICA and the INTERSTATE COMMERCE COMMISSION, Defendants-Appellees.	No. 681.

MOTION

For Leave to File Petition for Rehearing or Reconsideration of the Decision of December 9, 1946.

To the Chief Justice and Members of the Supreme Court of the United States:

Comes now W. H. Tompkins Company, now Tompkins Motor Line, Inc., Appellant in the above styled case, and moves the Court for leave to file a petition for reconsideration of the Court's decision of December 9, 1946, and for grounds of the motion shows:

The Court on December 9, 1946, rendered a decision granting appellee's motion to affirm. Under Rule 33 of the Rules of this Court, appellant was allowed twenty-five

days thereafter within which to file a petition for rehearing, this period expiring on January 3, 1947.

Appellant prepared and had printed forty copies of a petition for reconsideration and the same was forwarded to the Clerk of this Court, but the Clerk now advises appellant that this petition reached his office on January 4, or one day late.

Your movant further shows that since receiving said advice from the Clerk, its attorneys have consulted with printing company which mailed the said petition, and are advised by said printing company that the original signed copy of said petition was mailed from St. Louis, Missouri, on January 2 by air mail, and movant shows that under normal conditions said petition should have reached the Clerk's office on January 3.

Appellant is further advised that 39 additional copies of said petition were expressed to the Clerk on the same day.

Your movant further shows that a heavy snow storm occurred in the Central and Eastern Section of the country about December 31 and movant is advised that for several days thereafter all planes were grounded and no air mail moved. Your movant therefore alleges that its petition was delayed in the mails, through no fault of appellant and from causes beyond its control.

Wherefore, premises considered, movant prays that it be granted leave by this Court to file its petition for reconsideration or rehearing in this cause.

Respectfully submitted,

JAMES W. WRAPE,
1407 Sterick Building,
Memphis, Tennessee,
Attorney for Appellant.

Certificate of Service.

I, James W. Wrape, hereby certify that a copy of the foregoing motion was served upon W. P. Bartel, Secretary, Interstate Commerce Commission, Mr. Allan Crenshaw, Attorney for said Commission, the Attorney General of the United States, and Mr. Horace Frierson, United States Attorney, and Mr. Wendell Berg, Assistant Attorney General.

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James W. Wrape.